

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 2788 – HB 3141

April 15, 2012

SUMMARY OF AMENDMENT (016603): Deletes all language after the enacting clause. Creates a Class A misdemeanor offense of official misconduct by adding that the ways in which a public servant receives a benefit not otherwise authorized by law include, but are not limited to, a public servant who purchases real property or otherwise obtains an option to purchase real property with intent to make a profit based on information that is not public knowledge that the property may later be purchased by a governmental entity; or acquires nonpublic information derived from such person's position as a public servant or gained from the performance of such person's official duties as a public servant and knowingly acts on such nonpublic information to acquire, or to obtain an option to acquire, or liquidate, tangible or intangible personal property with the intent to make a profit. Requires ouster provisions to be instituted upon conviction and disqualifies such offender from ever holding any office under the laws or constitution of Tennessee. Requires the court to order appropriate restitution to the governmental entity harmed by the offense. Specifies that nothing in this proposed legislation shall be construed as prohibiting prosecution and conviction of theft or any other such applicable offense in addition to or in lieu of prosecution and conviction for a violation of this newly created Class A misdemeanor offense.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$5,700/Incarceration*

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

NOT SIGNIFICANT

Assumptions applied to amendment:

- There will not be a sufficient number of misdemeanor prosecutions or ouster proceedings for state or local government to experience any significant increase in revenue or expenditures.

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- Any increase in caseloads for state or local courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc